

REMARKS

Applicants acknowledge receipt of an Office Action dated October 29, 2008. In this response Applicants have amended claims 1-3 and 5-35. The subject matter of claim 4 has been amended incorporated into claim 1, and claim 4 has been cancelled as redundant. Following entry of these amendments, claims 1-3 and 5-35 are pending in the application.

Reconsideration of the present application is respectfully requested in view of the foregoing amendments and the remarks which follow.

Information Disclosure Statement

Applicants note that the PTO lined through certain references listed on the SB/08 from an Information Disclosure Statement dated February 3, 2006. The PTO did not provide any reason why the references were lined through. Applicants request that the PTO either consider the references and issue an initialed SB/08 indicating that the references have been considered or provide a reason why the references were lined through in its next communication.

Rejections Under 35 U.S.C. §101

On page 2 of the Office Action, the PTO has rejected claims 28-34 under 35 U.S.C. §101 for reciting “The use of”.

In this response, Applicants have rewritten claims 28-34 in “method of using” form as suggested by the PTO.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding objections to the claims.

Rejections Under 35 U.S.C. §112, 2nd Paragraph

On page 2 of the Office Action, the PTO has rejected claims 1-35 under 35 U.S.C. §112, 2nd paragraph as allegedly being indefinite.

In this response, Applicants have amended claims 1-3 and 5-35 and have amended that language of claim 4 before incorporating the subject matter of claim 4 into claim 1. These clarifying amendments do not narrow the scope of any of the claims.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections under 35 U.S.C. §112, 2nd paragraph.

Rejections Under 35 U.S.C. §103

In the Office Action, the PTO has set forth 3 separate rejections under 35 U.S.C. §103 which Applicants summarize below for reference:

- On page 3 of the Office Action, the PTO has rejected claims 1-3, 5-13, 16-19, 20, and 23-34 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,872,787 to Hood *et al.* (hereafter “Hood”).
- On page 5 of the Office Action, the PTO has rejected claims 1-3 and 5-34 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 4,340,057 to Bloch (hereafter “Bloch”).
- On page 6 of the Office Action, the PTO has rejected claims 1-3, 5-13, 18, 19, and 25-34 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication 2003/0091529 to Shah (hereafter “Shah”).

As set forth below, Applicants respectfully traverse each of these rejections.

In this response, Applicants have amended the sole independent claim, claim 1, to incorporate the subject matter of claim 4 which was not rejected based upon any of the references relied upon to support any of the outstanding §103 rejections. Accordingly, Applicants submit that claim 1, as well as each of claims 2-3 and 5-35 which ultimately depend from claim 1, are free of the cited art and, in view of the changes to the language of claim 4 before incorporation into claim 1 and other amendments set forth above, are in *prima facie* allowable form.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of this rejections under §103.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that all of the pending claims are now in condition for allowance. An early notice to this effect is

earnestly solicited. If there are any questions regarding the application, the Examiner is invited to contact the undersigned at the number below.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By P.D.S.

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